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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,262

09/22/2005

Jobst Horentrup

PD030034

1365

24498

7590

07/25/2008

Joseph J. Laks

Thomson Licensing LLC

2 Independence Way, Patent Operations

PO Box 5312

PRINCETON, NJ 08543

EXAMINER

BELOUSOV, ANDREY

ART UNIT

PAPER NUMBER

2174

MAIL DATE

DELIVERY MODE

07/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/550,262	Applicant(s) HORENTRUP ET AL.	
	Examiner ANDREY BELOUSOV	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5,6,8-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5,6,8-12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in responsive to the amendment filed on May 07, 2008. Claims 2, 4, 7 and 13 were cancelled. Claims 1, 3, and 5-6, 8-12, 14-20 are pending and have been considered below.

Claim Objections

2. Claim 1 is objected to because of the following informalities: Though directed towards a 'method', claim 1 does not include any steps. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3 and 5-6, 8-12, 14-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Toot (Flash 5 by Macromedia, as evidenced by Michael Toot, Flash 5 In an Instant, Published in December 2001 by IDG Books) in view of Franklin (Flash 5! Creative Web Animation, Published December 22, 2000 by Macromedia Press.)

Claim 1, 9, 10: Toot discloses a method for representing menu buttons in a menu for controlling the presentation of video data stored on a storage medium, the menu

buttons having one out of three states, the states being normal, selected or activated, wherein (pg. 167: Up, Over, Down, Hit),

- a. data describing the menu buttons are also stored on said removable storage medium, the data comprising for each button image data (pg. 172); and
- b. a menu button is represented by different images corresponding to different image data depending on its state being normal, selected or activated (pg. 172),
- c. wherein the image data representing a particular menu button state on a display includes a sequence of pictures (pg. 174-176: Leaf Spin) and

However, Toot does not explicitly disclose,

- d. wherein a rate at which the sequence of pictures is animated is relative to a video frame rate, and value representing said rate at which the sequence of pictures is animated is stored on said storage medium.

Franklin discloses a book on the Flash Macromedia 5 software application, further disclosing:

- a. wherein a rate (pg. 3 of 8, "Frame rate," e.g. 12.0 fps) at which the sequence of pictures is animated is relative to a video frame rate (pg. 4 of 8: "actual playback speed"), and value representing said rate at which the sequence of pictures is animated is stored on said storage medium.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the teachings of Toot and Franklin combined. One would have been motivated to combine Toot and Franklin as they are both user guides to the same software application, Flash 5 by Macromedia.

Claim 3, 11: Toot and Franklin disclose the method according to claim 1. Toot further discloses wherein for a particular state of a menu button, said sequence of pictures representing said button is repeated as long as the button remains in particular state (pg. 174-176: Leaf Spin.)

Claim 5, 12, 15, 16: Toot and Franklin disclose method according to claim 1. Toot further discloses wherein a sound or sound sequence is associated to a particular state of a particular menu button, the sound or sound sequence being played back upon entry of the button into the associated state (pg. 168.)

Claim 6: Toot and Franklin disclose method according to claim 5. Franklin further discloses wherein the sound associated with a state of a menu button is a speech sequence (Chapter 5, 4th paragraph: “vocal track”).

Claim 8, 14: Toot and Franklin disclose method according to claim 1. Toot further discloses wherein a data structure on said storage medium comprises a data segment defining a page composition, the data segment containing said data representing the menu buttons (pg. 169.)

Claim 17, 19: Toot and Franklin disclose method according to claim 1. Toot further discloses wherein said data describing the menu buttons further comprise two region

identifiers per button state (scaling from a larger to small region, pg. 168), and each button image is addressable through at least one of said region identifiers (pg. 168.)

Claim 18, 20: Toot and Franklin disclose method according to claim 17. Toot further disclose wherein said two region identifiers per button state specify a range of regions (from a larger to smaller, pg. 168), and each of the two region identifiers addresses a button image of said sequence of pictures (pg. 168.)

Response to Arguments

5. Applicant's arguments filed May 07, 2008 have been fully considered but they are not persuasive. Applicant's argument that "Franklin never even mentions or remotely suggests setting the animation rate relative to the video frame rate" has been fully considered but is not persuasive. Claim 1 as recited does not include 'setting' the animation rate, but only that there is a relationship ("relative to") between the two rates. Furthermore, "a video frame rate" though may be alluding to the "video data" in the intended purpose portion of the preamble of the claim, has no definite link, and as such "video frame rate" could be reasonably interpreted to mean the "actual playback speed," or the frame rate of the presentation once displayed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174

AB
July 17, 2008

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